

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA**

STATE OF OKLAHOMA, ex rel. W.A. DREW)
EDMONDSON, in his capacity as ATTORNEY)
GENERAL OF THE STATE OF OKLAHOMA and)
OKLAHOMA SECRETARY OF THE)
ENVIRONMENT C. MILES TROBERT, in his)
capacity as the TRUSTEE FOR NATURAL)
RESOURCES FOR THE STATE OF)
OKLAHOMA,)

Case No. 05-CV-329-TCK-SAJ

Plaintiff(s),)

vs.)

TYSON FOODS, INC., INC., TYSON POULTRY,)
INC., TYSON CHICKEN, INC., COBB-)
VANTRESS, INC., AVIAGEN, INC., CAL-MAINE)
FOODS, INC., CAL-MAINE FARMS, INC.,)
CARGILL, INC., CARGILL TURKEY)
PRODUCTION, LLC, GEORGE'S, INC.,)
GEORGE'S FARMS, INC., PETERSON FARMS,)
INC., SIMMONS FOODS, INC., and WILLOW)
BROOK FOODS, INC.,)

Defendant(s).)

ORDER

Presently before the Court is the motion of the Plaintiffs to settle the terms of the confidentiality order. [Docket No. 917]. Plaintiffs request that the Court approve a section 5(c)(2) provision under the "Confidential Attorneys' Eyes Only" category which would permit dissemination of information to State employees upon completion of a certification provision. Defendants oppose Plaintiffs' proposed category. Defendants propose that Plaintiffs are adequately protected by section 5(c)(4) which provides that disclosure may be made to other persons upon consent of the producing party or upon order of the Court.

The Court concludes that section 5(c)(2) as proposed by Plaintiffs should be deleted. Inclusion of section 5(c)(4) provides that Plaintiffs may disclose such materials if agreed to by the producing party, and if no such agreement is reached, the issue can be presented to the court. This procedure allows Defendants to maintain safeguards with respect to their documents classified as "Confidential Attorneys' Eyes Only." In addition, Plaintiffs may request disclosure of such documents and if permission is not forthcoming by the producing party, the issue can be presented to the court. Presenting the issue in this way permits the court to determine a concrete issue between parties rather than deciding such issues in the abstract. The Court concludes that this best protects the interests of the parties.

Plaintiffs motion is granted in part and denied in part. The Court grants the motion to the extent that the Court settles the terms of the confidentiality order. The Court denies the motion with regard to the specific relief requested by Plaintiffs. Defendants should submit the proposed confidentiality order to the Court for signature.

Dated this 16th day of October 2006.


Sam A. Joyner
United States Magistrate Judge